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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

CHICAGO BRIDGE & IRON COMPANY
a corporation,
Plaintiff,
vs.
BOARD OF EQUALIZATION OF THE
STATE OF CALIFORNIA,
Defendant.

Case No. C 712,283

**NOTICE OF APPEAL;
NOTICE TO PREPARE
REPORTER'S AND
CLERK'S TRANSCRIPTS**

[Cal. Rules of Court, Rules 1(a), 4(a), 5(a)]

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

NOTICE IS HEREBY GIVEN that plaintiff appeals to the Court of Appeal for the Second Appellate District, from the Order of this Court entered herein on June 4, 1990, in favor of defendant and against plaintiff, granting defendant's motion for summary judgment pursuant to *Code of Civil Procedure* § 437(c).

NOTICE IS FURTHER GIVEN that plaintiff and appellant requests that a reporter's transcript on appeal herein be prepared and include all oral proceedings with regard to the separate motions of plaintiff and defendant for summary judgment, which were heard on May 3, 1990, in Department 52 of the above-entitled Court, before the Honorable Harvey A. Schneider, Judge Presiding.

NOTICE IS FURTHER GIVEN that plaintiff and appellant requests that a clerk's transcript be prepared and designates the following listed papers and records on file or lodged with you to be incorporated in the record on appeal: plaintiff's complaint for recovery of California Use Tax following denial of the claims for refund; notice and acknowledgement of receipt; defendant's answer to complaint; plaintiff's at-issue memorandum; order continuing motion deadline dated February 13, 1990; order extending time to file motions for summary judgment dated March 16, 1990; plaintiff's notice of motion for summary judgment; plaintiff's separate statement of undisputed material facts and supporting evidence in support of motion for summary judgment; plaintiff's points and authorities in support of motion for summary judgment; defendant's separate statement of undisputed facts; defendant's memorandum of points and authorities in support of motion for summary judgment; defendant's separate statement in response to plaintiff's statement of undisputed facts; defendant's points and authorities in opposition to plaintiff's motion for summary judgment; plaintiff's reply points and authorities in support of plaintiff's motion for summary judgment; joint stipulation of facts; notice of ruling on motions for summary judgment dated May 17, 1990; the Court's minute order with respect to motions for summary judgment dated May 3, 1990; order re summary judgment entered June 4, 1990; notice of appeal filed

herewith; and notice to prepare reporter's and clerk's transcripts filed herewith.

DATED: July 5, 1990

IVERSON, YOAKUM,
PAPIANO & HATCH

By JOHN M. GARRICK
John M. Garrick
Attorneys for Plaintiff
CHICAGO BRIDGE & IRON
COMPANY

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 624 South Grand Avenue, 27th Floor, Los Angeles, California 90017.

On July 6, 1990 I served the foregoing document described as: NOTICE OF APPEAL; NOTICE TO PREPARE REPORTER'S AND CLERK'S TRANSCRIPTS on interested parties in this action by placing a true copy thereof in sealed envelope(s) addressed as follows:

DAVID S. CHANEY, ESQ.
Deputy Attorney General
Department of Justice
3580 Wilshire Boulevard, Room 800
Los Angeles, California 90010

☒ BY MAIL

☐ I deposited such envelope in the mail at Los Angeles, California.

The envelope was mailed with postage thereon fully prepaid.

☒ As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on July 6, 1990 at Los Angeles, California.

☒ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Anna Nix
Name

Signature